

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MELISSA L. TURNEY,
ROSS E. TURNEY, her husband
and T.S., her minor son, by Melissa
Turney as Parent and Legal Guardian,

Plaintiffs,

V.

ARTHUR GLOVER, and
WENGER TRUCK LINE, INC.,
a Foreign Corporation

Defendants.

Dist. Ct. No. 07-648 JJF

Jury Trial Demanded

DEFENDANTS ANSWER TO COMPLAINT

1. Admitted.
2. Denied that the defendant is a resident of Iowa. Admitted that the defendant is a resident of Illinois.
3. Admitted.
4. It is admitted that at the time of the accident the defendant Glover was operating the vehicle of Wenger Truck Line, Inc. in the course of his employment. The balance of the averment is denied.

COUNT I

5. Denied.
6. Admitted.
7. Denied.
8. Defendant has insufficient information to admit or deny the averment.
9. Denied.

- 10. Denied.
- 11. Denied.
- 12. Denied.
- 13. Denied.
- 14. Denied.
- 15. Denied.

COUNT II

- 16. Defendants repeat answers to paragraphs 1 through 15.
- 17. Denied.
- 18. Denied.

AFFIRMATIVE DEFENSE

- 19. Insofar as the accident was caused by negligence it was caused by the negligence of the plaintiff Melissa Turney in that she:
 - a) Failed to maintain a proper lookout;
 - b) Failed to maintain control of her vehicle;
 - c) Failed to yield the right of way to the defendant's vehicle in violation of 21 Del. C. § 4133;
 - d) Failed to remain in her own lane of travel and moved to another lane before such movement could be made with safety in violation of 21 Del. C. § 4122.

CASARINO, CHRISTMAN & SHALK, P.A.

/s/ Stephen P. Casarino
STEPHEN P. CASARINO, ESQUIRE
I.D. No. 174
800 North King Street, Suite 200
P.O. Box 1276
Wilmington, DE 19899
(302) 594-4500
Attorney for the Defendants

Dated: December 12, 2007

CERTIFICATE OF SERVICE

I, Stephen P. Casarino, Esq., hereby certify that I have caused to be deposited in the mailbox at 800 North King Street, Suite 200, Wilmington, DE 19801, on this 12th day of December 2007, a true and correct copy of the attached Answer to:

Steven J. Stirparo, Esq.
3622 Silverside Road
Wilmington, DE 19810

CASARINO, CHRISTMAN & SHALK, P.A.

/s/ Stephen P. Casarino
STEPHEN P. CASARINO, ESQUIRE
I.D. No. 174
800 North King Street, Suite 200
P.O. Box 1276
Wilmington, DE 19899
(302) 594-4500
Attorney for the Defendants